



PATENT
ATTORNEY DOCKET NO. 013306-5003

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JAN 30 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Ian Duncan RUBIN et al.) Group Art Unit: 1614
Application No.: 09/891,615) Examiner: Unassigned
Filed: June 27, 2001)
For: EXTRACTS COMPOUNDS &)
PHARMACEUTICAL COMPOSITIONS)
HAVING ANTI-DIABETIC ACTIVITY AND)
THEIR USE)

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NW

Commissioner of Patents and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are enclosed. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

Applicants would also like to bring to the Examiner's attention the following applications with a common assignee and request consideration of the applications and any and all references therein:

Application No.
09/402,962

Filing Date
CPA filed 11/1/2001
(national stage of WO 98/46243)

09/691,582

10/18/2000
(Gastric Acid Secretion)

A copy of the 09/691,582 applications is enclosed. The 09/402,962 application is a CPA of a national stage application of WO 98/46243. A copy of WO 98/46243 is submitted as a copy of the 09/402,962 application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claim in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Dated: January 28, 2002

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



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Reg. No. 42,788

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INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

PTO Form 1449

Attorney Docket No.:

013306-5003US

Application No.:

09/891,615

Applicants: Ian Duncan RUBIN et al.

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Filing Date: June 27, 2001

Group: 1614

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Examiner

Date Considered

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Applicants: Ian Duncan RUBIN et al.

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Group: 1614

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|---|-----------------|---|---------|---------------------------------------|-----------|--------------------------------|--|
| (Use several sheets if necessary) | | | | Applicants: Ian Duncan RUBIN et al. | | Page 3 of 3 | |
| | | | | Filing Date: June 27, 2001 | | Group: 1614 | |
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